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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

10 RAYMOND CHARLES MEYER,

11 Plaintiff,

12 v.

13 ARS NATIONAL SERVICES, INC., D/B/A  
14 ASSOCIATED RECOVERY SYSTEMS, a  
California corporation, and JASON A.  
HOWERTON, individually and in his official  
15 capacity,

16 Defendants.

C07 Case No. 06422 JF

PVT

COMPLAINT

DEMAND FOR JURY TRIAL

15 United States Code § 1692 *et seq.*  
California Civil Code § 1788 *et seq.*

18 Plaintiff, RAYMOND CHARLES MEYER (hereinafter "Plaintiff"), based on  
19 information and belief and investigation of counsel, except for those allegations which pertain to the  
20 named Plaintiff or his attorneys (which are alleged on personal knowledge), hereby makes the  
21 following allegations:

22 I. INTRODUCTION

23 1. This is an action for statutory damages, attorney fees and costs brought by an  
individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C.  
25 § 1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection Practices Act,  
26 California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibit debt collectors from  
27 engaging in abusive, deceptive and unfair practices.

28 ///

## **II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

3. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

### III. VENUE

4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1331, in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the Defendants transact business in this judicial district and the violations of the FDCPA complained of occurred in this judicial district.

#### **IV. INTRADISTRICT ASSIGNMENT**

5. This lawsuit should be assigned to the San Jose Division of this Court because a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara County.

## **V. PARTIES**

6. Plaintiff, RAYMOND CHARLES MEYER (hereinafter "Plaintiff"), is a natural person residing in San Mateo County, California. Plaintiff is a "consumer" within the meaning of 15 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h).

7. Defendant, ARS NATIONAL SERVICES, INC., D/B/A ASSOCIATED RECOVERY SYSTEMS (hereinafter "ARS"), is a California corporation engaged in the business of collecting debts in this state with its principal place of business located at: 201 West Grand Avenue, Escondido, California 92025-2603. ARS may be served as follows: ARS National Services, Inc., c/o Kathy Howerton, Agent for Service of Process, 201 West Grand Avenue, Escondido, California 92025-2603. The principal business of ARS is the collection of debts using the mails and telephone, and ARS regularly attempts to collect debts alleged to be due another. ARS is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c).

1               8.     Defendant, JASON A. HOWERTON (hereinafter "HOWERTON"), is a  
 2 natural person and is or was an employee, agent, officer and/or director of ARS at all relevant times.  
 3 HOWERTON may be served at his current business address at: Jason A. Howerton, ARS National  
 4 Services, Inc., 201 West Grand Avenue, Escondido, California 92025-2603. HOWERTON is a  
 5 "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c).  
 6 Plaintiff is informed and believes, and thereon alleges that HOWERTON is liable for the acts of  
 7 ARS because he sets and approves ARS collection policies, practices, procedures and he directed  
 8 the unlawful activities described herein.

9               9.     At all times herein mentioned, each of the Defendants was the agent, servant,  
 10 employee and/or joint venturer of his co-defendants, and each of them, and at all said times, each  
 11 Defendant was acting in the full course and scope of said agency, service, employment and/or joint  
 12 venture. Any reference hereafter to "Defendants" without further qualification is meant by Plaintiff  
 13 to refer to each Defendant, and all of them, named above.

14               **VI. FACTUAL ALLEGATIONS**

15               10.    On a date or dates unknown to Plaintiff, Plaintiff incurred a financial  
 16 obligation that was primarily for personal, family or household purposes, namely a credit card  
 17 account from Citibank (South Dakota), N.A., and bearing the account number XXXX-XXXX-  
 18 XXXX-4623 (hereinafter "the debt"). The financial obligation owed by Plaintiff is a "debt" as that  
 19 term is defined by 15 U.S.C. § 1692a(5) and a "consumer debt" as that term is defined by Cal. Civil  
 20 Code § 1788.2(f).

21               11.    Sometime thereafter on a date unknown to Plaintiff, the debt was consigned,  
 22 placed or otherwise transferred to Defendants for collection from Plaintiff.

23               12.    Thereafter, on or about December 18, 2006, an employee of Defendants  
 24 recorded the following message on Plaintiff's answering machine:

25               Hello, Raymond. This is Charles Sawyer. I need you to call me back as soon as  
 26 possible, please. It's very important I have some information about yourself that I  
 27 need to share with you, sir. The phone number to reach me is 888-319-0986. The  
 extension directly to my office is 1136. I need a call back as soon as possible,  
 Raymond. It is important. Thank you.

28               13.    Thereafter, Defendants sent a collection letter (Exhibit "1") to Plaintiff which

1 is a “communication” in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

2           14. The collection letter (Exhibit “1”) is dated December 20, 2006.

3           15. A true and accurate copy of the December 20, 2006, collection letter from  
4 Defendants to Plaintiff is attached hereto, marked Exhibit “1,” and by this reference is incorporated  
5 herein.

6           16. On or about December 20, 2006, an employee of Defendants recorded the  
7 following message on Plaintiff’s answering machine:

8           Hello, Raymond. This is Charles Sawyer calling you with ARS National. Sir, I have  
9 some information that I need to share with you and you alone. The phone number  
10 to reach me is 888-319-0986. The extension to my office is 1136. Please give me  
11 a call Raymond. This is important. Thank you.

12           17. On or about December 26, 2006, an employee of Defendants recorded the  
13 following message on Plaintiff’s answering machine:

14           Hello, this message is for Raymond Meyer. This is Charles Sawyer calling with  
15 ARS National. You need to call me back as soon as possible, sir. This is not the first  
16 message that I have left you and I still have not had a return call. The phone number  
17 to reach me is 888-319-0986. The extension to my office is 1136. I will be waiting  
18 for your call, sir. Thank you.

19           18. On or about December 27, 2006, an employee of Defendants recorded the  
20 following message on Plaintiff’s answering machine:

21           Hello, this message is for Raymond Meyer. This is Charles Sawyer again. Call me  
22 at 888-319-0986, at extension 1136. This is not a sales call in any way, Raymond.  
23 You do need to call me back and answer up to this soon or later, sir. Give me a call.

24           19. On or about January 17, 2007, an employee of Defendants recorded the  
25 following message on Plaintiff’s answering machine:

26           Hello, Mr. Meyer. This is William Lim. Please return my phone call at 888-319-  
27 0986, extension 1381. Please use reference number 11480931 when you call. Sir,  
28 this is not a sales call. It is very important that I hear from you. My number again  
is 888-319-0986, extension 1381. Please give me a call, sir.

29           20. On or about January 19, 2007, an employee of Defendants recorded the  
30 following message on Plaintiff’s answering machine:

31           Hello, this message is for Raymond Meyer. My name is William Lim. Please return  
32 my phone call at 888-319-0986, extension 1381. Please use reference number  
33 11480931 when you call. Sir, this is not a sales call. It is very important that I hear

1 from you. My number once again is 888-319-0986, extension 1381.

2 21. Thereafter, Defendants sent a collection letter (Exhibit "2") to Plaintiff which  
3 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

4 22. The collection letter (Exhibit "2") is dated January 22, 2007.

5 23. A true and accurate copy of the January 22, 2007 collection letter from  
6 Defendants to Plaintiff is attached hereto, marked Exhibit "2," and by this reference is incorporated  
7 herein.

8 24. On or about January 22, 2007, an employee of Defendants recorded the  
9 following message on Plaintiff's answering machine:

10 Hello, Mr. Meyer. This is William Lim. Please return my phone call today at 888-  
11 319-0986, extension 1381. Use reference number 11480931 when you call. Sir, this  
12 is not a sales call. It is very important that I do hear from you. My number once  
again is 888-319-0986, extension 1381. Please give me a call.

13 25. On or about January 23, 2007, an employee of Defendants recorded the  
14 following message on Plaintiff's answering machine:

15 Hello, this message is for Raymond Meyer. My name is William Lim. Please return  
16 my phone call today at 888-319-0986, extension 1381. Please use reference number  
17 11480931 when you call. Raymond, this is not a sales call. It is very important that  
I hear from you, sir. My name again is William Lim. My telephone number is 888-  
319-0986, extension 1381. Reference number is 11480931. Please give me a call.

18 26. On or about January 24, 2007, an employee of Defendants recorded the  
19 following message on Plaintiff's answering machine:

20 Hello, Mr. Meyer this is William Lim. Please return my phone call at 888-319-0986,  
21 extension 1381. Use reference number 11480931 when you call. Sir, this is not a  
22 sales call. It is very important that I hear from you. My number once again is 888-  
319-0986, extension 1381.

23 27. On or about January 26, 2007, an employee of Defendants recorded the  
24 following message on Plaintiff's answering machine:

25 Hello, Mr. Meyer, this is William Lim. Please return my phone call at 888-319-  
26 0986, extension 1381. Please use reference number 11480931 when you call.

27 28. On or about January 29, 2007, an employee of Defendants recorded the  
28 following message on Plaintiff's answering machine:

1           Hello, Raymond this is William Lim. Please return my phone call at 888-319-0986,  
 2 extension 1381. Please use reference number 11480931 when you call. This is not  
 3 a sales call. It is very important that I hear from you. My number once again is 888-  
 319-0986, extension 1381. Please give me a call.

4           29.     On or about February 1, 2007, an employee of Defendants recorded the  
 5 following message on Plaintiff's answering machine:

6           Hello, Mr. Meyer, this is William Lim. Please return my phone call today at 888-  
 7 319-0986, extension 1381. Please use reference number 11480931 when you call.  
 8 Sir, this is not a sales call. It is very important that I hear from you. My number  
 9 once again is 888-319-0986, extension 1381. Please give me a call.

10          30.     On or about February 6, 2007, an employee of Defendants recorded the  
 11 following message on Plaintiff's answering machine:

12          Hello, Mr. Meyer, this is William Lim. Please give me a call at 888-319-0986,  
 13 extension 1381. Please use file number 11480931 when you call. Sir, this is not a  
 14 sales call. It is very important that I hear from you. 888-319-0986, extension 1381.

15          31.     On or about February 7, 2007, an employee of Defendants recorded the  
 16 following message on Plaintiff's answering machine:

17          Hello, this message is for Mr. Raymond Meyer. My name is William Lim. Please  
 18 give me a call at 888-319-0986, extension 1381. Use reference number 11480931.  
 19 Have a good day, sir.

20          32.     Thereafter, Defendants sent a collection letter (Exhibit "3") to Plaintiff which  
 21 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

22          33.     The collection letter (Exhibit "3") is dated February 8, 2007.

23          34.     A true and accurate copy of the February 8, 2007 collection letter from  
 24 Defendants to Plaintiff is attached hereto, marked Exhibit "3," and by this reference is incorporated  
 25 herein.

26          35.     Thereafter, on or about February 12, 2007, an employee of Defendants  
 27 recorded the following message on Plaintiff's answering machine:

28          Hello Mr. Meyer, this is William Lim. Please give me a call back today at 888-319-  
 29 0986, extension 1381. Use reference number 11480931 when you call. Sir, this is  
 30 not a sales call. I've left many messages. My number again is 888-319-0986  
 31 extension 1381. Call me today, sir.

32          36.     On or about February 14, 2007, an employee of Defendants recorded the

1 following message on Plaintiff's answering machine:

2 Hello Mr. Meyer, this is William Lim. Please give me a call at 888-319-0986,  
 3 extension 1381. Use reference number 11 [inaudible] 931 when you call. Mr. Meyer  
 4 this is not a sales call, it is very important that I hear from you. My number again  
 5 is 888-[inaudible]19-0986, extension 1381. Please give me a call.

6 37. On or about February 20, 2007, an employee of Defendants recorded the  
 7 following message on Plaintiff's answering machine:

8 Hello, this message is for Mr. Raymond Meyer. My name is William Lim. Please  
 9 return my phone call at 888-319-0986, extension 1381. Please use reference number  
 10 11480931 when you call. Sir this is not a sales call. I've left countless messages.  
 11 I do need to hear from you sir. My number again is 888-319-0986, extension 1381.  
 12 Please give me a call.

13 38. On or about February 21, 2007, an employee of Defendants recorded the  
 14 following message on Plaintiff's answering machine:

15 Hello, Mr. Meyer. This is William Lim. Please return my phone call at 888-319-  
 16 0986, extension 1381. Please use reference number 11480931 when you call. This  
 17 is not a sales call. It is very important that I hear from you. 888-319-0986 extension  
 18 1381. Have a good day.

19 39. On or about February 21, 2007, Plaintiff mailed a letter to Defendants which  
 20 stated: "please be advised that I dispute this debt and refuse to pay."

21 40. A true and accurate copy of Plaintiff's letter disputing the debt and refusing  
 22 to pay the debt is attached hereto, marked Exhibit "4," and by this reference is incorporated herein.

23 41. Defendants received Plaintiff's letter disputing the debt and refusing to pay  
 24 the debt (Exhibit "3") on or about February 26, 2007.

25 42. A true and accurate copy of the USPS Tracking Report and Certified Mail  
 26 Return Receipt evidencing Defendants' receipt of Plaintiff's letter disputing the debt and refusing  
 27 to pay the debt (Exhibit "4") is attached hereto, marked Exhibit "5," and by this reference is  
 28 incorporated herein.

29 43. After receiving Plaintiff's letter notifying Defendants of his refusal to pay the  
 30 debt (Exhibit "3"), Defendants continued to communicate with Plaintiff in an attempt to collect the  
 31 debt.

32 44. Thereafter, on or about February 26, 2007, an employee of Defendants

1 recorded the following message on Plaintiff's answering machine:

2 Hello Mr. Meyer, this is William Lim. Please call me sir at 888-319-0982, extension  
3 1381. Use reference number 11480931 when you call. Sir this is not a sales call, I  
do need to talk to you. 888-319-0986, extension 1381. Please call me.

4 45. Thereafter, Defendants sent a collection letter (Exhibit "6") to Plaintiff which  
5 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

6 46. The collection letter (Exhibit "6") is dated April 9, 2007.

7 47. A true and accurate copy of the April 9, 2007 collection letter from  
8 Defendants to Plaintiff is attached hereto, marked Exhibit "6," and by this reference is incorporated  
9 herein.

10 48. Thereafter, Defendants sent a collection letter (Exhibit "7") to Plaintiff which  
11 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

12 49. The collection letter (Exhibit "7") is dated May 3, 2007.

13 50. A true and accurate copy of the May 3, 2007, collection letter from  
14 Defendants to Plaintiff is attached hereto, marked Exhibit "7," and by this reference is incorporated  
15 herein.

16 51. Thereafter, Defendants sent a collection letter (Exhibit "8") to Plaintiff which  
17 is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

18 52. The collection letter (Exhibit "8") is dated June 6, 2007.

19 53. A true and accurate copy of the June 6, 2007, collection letter from  
20 Defendants to Plaintiff is attached hereto, marked Exhibit "8," and by this reference is incorporated  
21 herein.

22 54. Defendants' answering machine messages were each a "communication" in  
23 an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

24 55. Defendants failed to disclose Defendants' identity and the nature of  
25 Defendants' business in each of the answering machine messages, in violation of 15 U.S.C. §  
26 1692d(6) and Cal. Civil Code § 1788.11(b). See *Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F.  
27 Supp. 2d 1104, 1112, 1118 (C.D. Cal. 2005).

28 56. Defendants failed to disclose that each of the answering machine messages

1 was a communication from a debt collector, in violation of 15 U.S.C. § 1692e(11). See  
 2 *Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F. Supp. 2d 1104, 1116 (C.D. Cal. 2005); *Foti v. NCO*  
 3 *Financial Systems, Inc.*, 424 F. Supp. 2d 643, 669 (S.D.N.Y. 2006).

4 **VII. CLAIMS**

5 **FAIR DEBT COLLECTION PRACTICES ACT**

6 57. Plaintiff brings the first claim for relief against Defendants under the Federal  
 7 Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

8 58. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1  
 9 through 56 above.

10 59. Plaintiff is a “consumer” as that term is defined by the FDCPA, 15 U.S.C. §  
 11 1692a(3).

12 60. Defendant, ARS, is a “debt collector” as that term is defined by the FDCPA,  
 13 15 U.S.C. § 1692a(6).

14 61. Defendant, HOWERTON, is a “debt collector” as that term is defined by the  
 15 FDCPA, 15 U.S.C. § 1692a(6).

16 62. The financial obligation owed by Plaintiff to Citibank (South Dakota), N.A.,  
 17 is a “debt” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(5).

18 63. Defendants’ answering machine messages described above violate the  
 19 FDCPA. The violations include, but are not limited to, the following:

- 20       a. Defendants failed to disclose Defendants’ identity and the nature of  
                   Defendants’ business, in violation of 15 U.S.C. § 1692d(6); and
- 21       b. Defendants failed to disclose that the communications were from a  
                   debt collector, in violation of 15 U.S.C. § 1692e(11).

22 64. Defendants have further violated the FDCPA in the following respects:

- 23       a. Defendants continued to communicate with Plaintiff in an attempt to  
                   collect the debt owed to Citibank (South Dakota), N.A., after  
                   receiving a written notification that Plaintiff refused to pay the debt  
                   being collected, in violation of 15 U.S.C. § 1692c(c).

1           65. Defendants' acts as described above were done intentionally with the purpose  
 2 of coercing Plaintiff to pay the debt.

3           66. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to an  
 4 award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.

5           **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

6           67. Plaintiff brings the second claim for relief against Defendants under the  
 7 Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33.

8           68. Plaintiff repeats, realleges, and incorporates by reference paragraphs 1  
 9 through 66 above.

10          69. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code  
 11 § 1788.2(h).

12          70. Defendant, ARS, is a "debt collector" as that term is defined by the RFDCPA,  
 13 Cal. Civil Code § 1788.2(c).

14          71. Defendant, HOWERTON, is a "debt collector" as that term is defined by the  
 15 RFDCPA, Cal. Civil Code § 1788.2(c).

16          72. The financial obligation owed by Plaintiff to Citibank (South Dakota), N.A.,  
 17 is a "consumer debt" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

18          73. Defendants' answering machine messages described above violate the  
 19 RFDCPA. The violations include, but are not limited to, the following:

20           a. Defendants failed to disclose Defendants' identity and the nature of  
 21           Defendants' business, in violation of 15 U.S.C. § 1692d(6), as  
 22           incorporated by Cal. Civil Code § 1788.17 and Cal. Civil Code §  
 23           1788.11(b); and

24           b. Defendants failed to disclose that the communications were from a  
 25           debt collector, in violation of 15 U.S.C. § 1692e(11), as incorporated  
 26           by Cal. Civil Code § 1788.17.

27          74. Defendants have further violated the RFDCPA in the following respects:

28           a. Defendants continued to communicate with Plaintiff in an attempt to

collect the debt owed to Citibank (South Dakota), N.A., after receiving a written notification that Plaintiff refused to pay the debt being collected, in violation of 15 U.S.C. § 1692c(c), as incorporated by Cal. Civil Code § 1788.17.

5           75. Defendants' acts as described above were done willfully and knowingly with  
6 the purpose of coercing Plaintiff to pay the debt, within the meaning of Cal. Civil Code §  
7 1788.30(b).

8           76. As a result of Defendants' willful and knowing violations of the RFDCPA,  
9 Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars  
10 (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

11           77. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to  
12 an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil  
13 Code § 1788.17.

14           78. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to  
15 an award of his reasonable attorney's fees and costs pursuant to Cal. Civil Code § 1788.30(c) and  
16 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

17           79. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the  
18 RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies  
19 that Plaintiff may have under any other provision of law.

## **VIII. REQUEST FOR RELIEF**

21 Plaintiff requests that this Court:

- 22 a. Assume jurisdiction in this proceeding;

23 b. Declare that Defendants' answering machine messages violated the Fair Debt  
24 Collection Practices Act, 15 U.S.C. §§ 1692d(5), 1692d(6) and 1692e(11);

25 c. Declare that Defendants violated the Fair Debt Collection Practices Act, 15 U.S.C.  
26 § 1692c(c).

27 d. Declare that Defendants' answering machine messages violated the Rosenthal Fair  
28 Debt Collection Practices Act, Cal. Civil Code §§ 1788.11(b) and 1788.17;

- 1 e. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to  
2 15 U.S.C. § 1692k(a)(2)(A);  
3 f. Award Plaintiff a statutory penalty in an amount not less than \$100 nor greater than  
4 \$1,000 pursuant to Cal. Civil Code § 1788.30(b);  
5 g. Award Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to  
6 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code §1788.17;  
7 h. Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15  
8 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.17 and 1788.30(c); and  
9 i. Award Plaintiff such other and further relief as may be just and proper.

10  
11 CONSUMER LAW CENTER, INC.  
12

13 By: /s/ Fred W. Schwinn  
14 Fred W. Schwinn, Esq.  
15 Attorney for Plaintiff  
16 RAYMOND CHARLES MEYER

17 **CERTIFICATION PURSUANT TO CIVIL L.R. 3-16**

18 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the  
19 named parties, there is no such interest to report.

20 /s/ Fred W. Schwinn  
21 Fred W. Schwinn, Esq.

22 **DEMAND FOR JURY TRIAL**

23 PLEASE TAKE NOTICE that Plaintiff, RAYMOND CHARLES MEYER, hereby demands  
24 a trial by jury of all triable issues of fact in the above-captioned case.

25 /s/ Fred W. Schwinn  
26 Fred W. Schwinn, Esq.